TOWNSHIP OF MAPLEWOOD

RESOLUTION NO. 50-14

RESOLUTION
AUTHORIZING
WITHDRAWAL OF DEFENSES
IN 60 WOODLAND ROAD ZONING LITIGATION

WHEREAS, the Township of Maplewood is the owner of property known as 60 Woodland Road, Block 12.03 - Lot 127, Maplewood, New Jersey (the "Property"); and

WHEREAS, before the Township of Maplewood purchased the Property, a prior contract purchaser of the Property (the "applicant") applied for and obtained certain variance relief and approvals relating to the Property, including granting of preliminary and final site plan approval, subject to certain conditions (the "relief"), as set forth in the Resolution of Memorialization passed by the Zoning Board of Adjustment on August 1, 2011 ("Zoning Board Resolution"); and

WHEREAS, an action instituted by way of Complaint in Lieu of Prerogative Writs, captioned Kennedy, et al. v. Maplewood Zoning Board of Adjustment, et al., filed in the Superior Court of New Jersey, Law Division, Essex County under Docket Number ESX-L-7752-11, challenged the action of the Zoning Board in granting the relief set forth in the Zoning Board Resolution (the "Kennedy Action"); and

WHEREAS, the Township of Maplewood intervened as a defendant in the Kennedy Action and filed an Answer and Affirmative Defenses which sought to preserve the relief set forth in the Zoning Board Resolution; and

WHEREAS, the Township Committee of the Township of Maplewood has determined that it does not require or need the relief set forth in the Zoning Board Resolution; and

WHEREAS, the Township Committee of the Township of Maplewood has determined to: (1) withdraw its Answer and Affirmative Defenses; (2) abandon its defense of the Kennedy Action; and (3) advise the Zoning Board that the Township of Maplewood will not rely upon the relief set forth in the Zoning Board Resolution and therefore does not object to the Zoning Board, in its own discretion, also abandoning the defense of the Kennedy Action;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

1. The Township Attorney shall be authorized to advise the Court and all parties of record in the Kennedy Action the Township of Maplewood has determined to withdraw its Answer and Affirmative Defenses and abandon its defense of the Kennedy Action, and the Township Attorney shall be permitted to file any other pleadings necessary to effect same;
2. The Township Attorney shall be authorized to advise the Zoning Board of Adjustment that the Township of Maplewood has determined to withdraw its Answer and Affirmative Defenses and abandon its defense of the Kennedy Action, and also shall advise the Zoning Board that the Township of Maplewood will not rely upon the relief set forth in the Zoning Board Resolution and therefore does not object to the Zoning Board, in its own discretion, also abandoning the defense of the Kennedy Action.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, at a regular meeting of said Committee held on March 4, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of Maplewood in the County of Essex and State of New Jersey, on this 4th day of March 2014.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk